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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,056	10/03/2000	MICHAEL L. NEEDHAM	CM04455H	6406

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MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,056

Applicant(s)

NEEDHAM ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination.
2. Claims 8 and 12-13 are objected to for being unclear about the term "normalized arrival times" because neither the specification nor the claim language itself has clearly defined how the arrival times is normalized. Note that the phrase "arrival time" has its intuitive meaning as being the time that a message/packet arrives at certain designated point. However, it is unclear how is this arrival time normalized. For purpose of prior art rejections in this office action, the term "normalized arrival time" is being construed as an actual arrival time less a normalized delay estimated between the packet transmitter and the receiver. Clarification/Correction is required in response to this office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-11 and 14-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti et al.[U.S. Pat. No. 6477150].

5. As to claims 1-2 and 4-7, Maggenti teaches the invention as claimed including:
a dispatch communication network comprising:

a group of hosts of a plurality of communication hosts [Fig.2] wherein one host of the group at a time is allowed to transmit internet protocol (IP) communications comprising voice communications to the other hosts of the group [Abstract]; and

a dispatch call server [218, Fig.2] configured to arbitrate IP communication among the group, wherein arbitrating comprises selecting one transmitting host, from a plurality of hosts from which the dispatch call server receives transmissions, that is allowed to transmit the IP communications to the other hosts of the group [col.2, lines 16-25 and 39-52; col.5, lines 38-46],

wherein the dispatch call server is configured to receive unicast IP transmissions from the one or more hosts [note that this is an inherent feature in Maggenti's system because for the desktop PC users communicating to the dispatch call server is accomplished by unicast IP transmission.

6. As to claim 3, Maggenti further teaches that that the dispatch communication data comprises data representative of speech [col.9, lines 22-25].

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7. As to claim 9, Maggenti further teaches that the dispatch call server is configured to arbitrate communication among the group of hosts based on priorities assigned to the one or more transmitting hosts [col.5, lines 33-37].

8. As to claim 10, Maggenti further teaches that that the dispatch call server is configured to select one transmitting host for communication and to convey a busy control signal to other hosts of the transmitting hosts and when a transmission request is not granted, a busy signal is transmitted to the requester (e.g., start talking) [col.30, line 27 – col.31, line 32].

9. As to claims 11, 14-15 and 17-18, since the features of this claim can also be found in claims 1-7 and 9, it is rejected for the same reasons set forth in the rejection of claims 1-7 and 9 above.

10. As to claim 16, Maggenti further teach discarding the dispatch call data from the other transmitting hosts [col.13, line 63 – col.14, line 18].

11. As to claim 19, Maggenti further teaches:
determining a first wait time for communication from the one host;
waiting a time at least equal to the first wait time; and
after the first wait time, accepting transmissions from the one host [col.18, lines 15-19].

12. As to claims 20-21, since the features of these claims can also be found in claims 1-7, 9-10, 16 and 18-19, they are rejected for the same reasons set forth in the rejection of claims 1-7, 9-10, 16 and 18-19 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 8 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggenti et al. (hereafter "Maggenti") [U.S. Pat. No. 6477150], as applied to claims 1-7, 9-11 and 14-21 above, further in view of Official Notice.

15. As to claim 8, Maggenti does not specifically teach that the dispatch call server is configured to arbitrate communication among the group of hosts based on a number of factors comprising normalized arrival times from one or more transmitting hosts.

However, Official Notice is taken that arbitrating according to the time a requester makes the request is well known in the art. Thus in a network environment where various delays are introduced, it is obvious to obtain a normalized delay for each

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propagation path and use it as a basis for finding the actual requesting time because a transmission medium is not constant all the time and using a normalized value would minimize the error that may arise as a result of environmental uncertainty.

16. As to claims 12-13, since the features of these claims can also be found in claims 1, 7-8 and 11, they are rejected for the same reasons set forth in the rejection of claims 1, 7-8 and 11 above.

17. Applicant's arguments with respect to claims 1-21 on 9/23/2004 have been considered but are moot in view of the new ground(s) of rejection.

18. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, M.P.E.P. 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone

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numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

December 15, 2004

Wen-Tai Lin
12/15/04